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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,519	10/17/2001	Antonio Abbondanzio	RPS920010145US1	7673

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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/981,519

Applicant(s)

ABBONDANZIO ET AL.

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/17/01</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-22 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. In claim 1, "switching" (line 1, preamble) is indefinite because there is no relationship made with anything else in the claim regarding switching. No switching is occurring in the body of the claim.
- b. Claim 8 is rejected for the same indefinite reasons as stated above in the rejection of claim 1.
- c. In claim 15, it is not made explicitly clear in the claim language whether this is a system or a method claim. In line 1, a system claim is indicated, but in lines 11-22, the limitations start to resemble a method claim.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottom (US 2002/0194412 A1) in view of DeForest et al. (hereinafter DeForest) (US 6,446,129 B1).**

4. As to claim 1, Bottom teaches a method for automatically switching (“hot swap” done with switch blades) remote shared devices (USB devices) in a dense (high-density) server environment ([0020], [0025]-[0026], [0029]) comprising the steps of:

accessing (communication with the midplane 170) a shared device (USB device via media blade) from a server blade ([0026], [0029]); and

wherein if said shared device is not being accessed by said server blade then the method further comprises the steps of waiting to receive a response (monitoring and alarming functions of the Active Manager utilizing Server System Management) that said shared device is available (waiting until alarm is “tripped”) ([0026]).

5. Bottom teaches monitoring and alarming functions of an Active Manager utilizing Server System Management that manages the communication between the server blades and shared devices ([0029]). However, Bottom fails to explicitly teach receiving a request to access, issuing a query, and if not accessed, receiving a response of not available. DeForest teaches blade processors for performing the functions and operations to maintain and provide a shared resource (col. 6, lines 20-27) with a manager that receives a request to access a shared device, issuing a query as to whether the device is being accessed, and if not accessed, receiving a response of not available and waiting to receive a response that it is available (lines 35-55).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of receiving a request to access, issuing a query, and if not accessed, receiving a response of not available to Bottom's manager that handles the controls the switching because this improves the managing of the shared resource, which will in turn, decrease cost and complexity, etc. (*col. 2, lines 11-36*).

6. As to claim 2, Bottom teaches determining (Active Manager utilizing Server System Management) if said shared device is being accessed ([0020], [0025]).

7. As to claim 3, Bottom teaches wherein if said shared device is not being accessed then the method further comprises the steps of:

connecting said shared device with said server blade (connection with a blade interface of the midplane and media blade having a connection with a server blade) ([0031]-[0033]); and

transferring ("hot swap" done with switch blades) said request to access said shared device to said shared device ([0020] and [0025]).

8. As to claim 4, Bottom teaches wherein if said shared device is being accessed then the method further comprises the step of determining (monitoring and alarming functions of the Active Manager utilizing Server System Management) if said shared device is being accessed by said server blade ([0026]).

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9. As to claim 5, Bottom teaches wherein if said shared device is being accessed by said server blade then the method further comprises the steps of:

connecting said shared device with said server blade (connection with a blade interface of the midplane and media blade having a connection with a server blade) ([0031]-[0033]); and

transferring ("hot swap" done with switch blades) said request to access said shared device to said shared device ([0020] and [0025]).

10. As to claim 6, Bottom teaches receiving said response that said shared device is available (monitoring and alarming functions of the Active Manager utilizing Server System Management and waiting until alarm is "tripped") ([0026]); connecting said shared device with said server blade (connection with a blade interface of the midplane and media blade having a connection with a server blade) ([0031]-[0033]); and transferring ("hot swap" done with switch blades) said request to access said shared device to said shared device ([0020] and [0025]).

11. As to claim 7, Bottom teaches wherein said shared device is a Universal Serial Bus device ([0029]).

12. As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 1.

13. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 2.

14. As to claim 10, it is rejected for the same reasons as stated in the rejection of claim 3.

15. As to claim 11, it is rejected for the same reasons as stated in the rejection of claim 4.

16. As to claim 12, it is rejected for the same reasons as stated in the rejection of claim 5.

17. As to claim 13, it is rejected for the same reasons as stated in the rejection of claim 6.

18. As to claim 14, it is rejected for the same reasons as stated in the rejection of claim 7.

19. As to claim 15, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Bottom teaches one or more shared devices (USB devices) ([0029]); and a plurality of server blades coupled to said one or more shared devices via a service unit (media blade) ([0031]-[0033]), wherein said service unit is configured to establish a connection between one of said one or more shared devices and one of said plurality of server blades requesting to access said one of said one or more shared devices (connection with a blade interface of the midplane and media blade having a connection with a server blade) ([0031]-[0033]); wherein said requesting server blade comprises: a processor (Intel Pentium III processor) ([0026]); and a memory unit (system memory) coupled to said processor, wherein said memory unit is operable for storing a program ([0026]).

20. As to claim 16, it is rejected for the same reasons as stated in the rejection of claim 2.

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21. As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 3.
22. As to claim 18, it is rejected for the same reasons as stated in the rejection of claim 4.
23. As to claim 19, it is rejected for the same reasons as stated in the rejection of claim 5.
24. As to claim 20, it is rejected for the same reasons as stated in the rejection of claim 6.
25. As to claim 21, it is rejected for the same reasons as stated in the rejection of claim 5.
26. As to claim 22, it is rejected for the same reasons as stated in the rejection of claim 7.

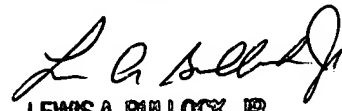
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER

Kt

12/23/04